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USA INC. STEPS IN

SCUTTLING THE SEA-LAW TREATY

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Late in February, Fred Iklé, head of the Arms Control and Disarmament Agency under Presidents Nixon and Ford and now an Under Secretary at the Department of Defense, is said to have received a telephone call from Martin Anderson, chief domestic policy adviser at the White House. The pitch was relatively straightforward: would Iklé agree to help reverse the Department of Defense's support for the Law of the Sea Treaty? After seven years of protracted negotiations at the United Nations in New York City, the parties seemed on the verge of agreement. The Pentagon had been among the treaty's staunchest supporters because it would guarantee passage for its ships and submarines through the world's oceans and strategically important straits. In return, Third World countries would receive a share of the profits from deep-sea mining, collected and distributed through a new International Seabed Authority.

Anderson apparently told Iklé that the White House was having second thoughts about the treaty, on which recent progress had been made largely due to the efforts of President Carter's chief negotiator, Elliot Richardson, and was seeking support for a full-scale review. Iklé had little hesitation in agreeing with the White House's position, thought to have been largely based on arguments put forward by Director of Central Intelligence William Casey; it coincided with his own view that the freedom of the seas could be guaranteed by other means, and that access to strategic minerals was an important national security issue. On March 2, an interagency committee, chaired by Deputy Secretary of State

William Clark, met to discuss the Administration's position at what was believed to be the final negotiating session, due to start a week later. Following statements in favor of the treaty by representatives of the Joint Chiefs of Staff, Iklé outlined his own reservations on behalf of the Secretary of Defense. Strong opposition had also come from other agencies, in particular James Watt's Department of the Interior. Later that day, the State Department issued a short statement. In light of "serious problems" with the current draft of the treaty, the department said, it was seeking to extend the negotiations and review its position.

Many observers feel that the outcome of this review will be a shift in the U.S. position that will effectively scuttle the 320-clause treaty, which covers a wide range of other marine-related activities like deep-sea fishing, research and navigation, by proposing changes unacceptable to Third World countries. The State Department made known that its main objections were to the parts of the treaty dealing specifically with conditions for deep-sea mining, and this seemed to confirm press reports that the Administration was responding primarily to pressure from mining companies. Although these companies are eager to get their hands on the vast underwater supplies of minerals such as manganese and cobalt lying in nodules on the ocean floor, they have remained strongly critical of several aspects of the draft treaty completed last summer—in particular its lack of a so-called grandfather clause protecting any investments made prior to the treaty's coming into force. The developing countries see such a concession as skewing the system in the mining companies' favor at the outset.

It soon became clear, however, that the Administration intended to expand the review to cover all aspects of the treaty, including those on which agreement had previously been reached—for example, rules for the regulation of marine research, or the protection of the marine environment. Furthermore, the U.S. delegation to the New York meeting announced that the review would not be completed until at least the fall, dashing any hopes that the treaty would be ready for signing in Caracas, Venezuela, in August, as scheduled.

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